

REMARKS

Reconsideration of this Application, and the rejections of claims 1-17, 19-20 & 22-24 and 26-37 is respectfully requested. Applicant appreciates that the Examiner has found Applicant's arguments summarized as 4(a) – 4(g) on page 4 of the Office Action to be persuasive. Applicant has attempted to address every ground for rejection in the Office Action dated September 15, 2009 and believes the application is now in condition for allowance. The claims have been amended to more clearly recite the present invention.

The Office Action raises objections with regard to typographical errors in claims 1, 4 and 6. Claims 1, 4 and 6 have been amended herein to address the typographical errors noted in the Office Action. Applicant submits that these objections have now been overcome.

Claims 7, 10, 36 and 37 have been rejected under §132(a). Specifically, the Office Action suggests that there is no support in the specification for the amended language reciting that two different meetings have different attendees. Applicant disagrees. Various portions of the specification and FIGS. make clear, for instance, that the different meetings recited cannot be a conference and a sub-conference (see, e.g., FIG. 7, final paragraph on page 3, and final paragraph on page 13). For purposes of advancing prosecution, however, claims 7, 10, 36 and 37 have been amended to overcome this rejection. A typographical error on page 13 of the specification is also addressed in the above amendments.

Claims 1-5, 11-17, 19-20, 22-27 and 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semaan (US 5,680,392) in view of Haims et al (US Pub 2003/1015820 A1) and Gorsuch et al (US 6,526,281). Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semaan in view of Haims and Gorsuch, and further in view of Etorre et al (US 6,594,265). However, it is submitted that these references in combination, fail to teach, suggest, or disclose subject matter recited in independent claims 1, 31 and 37.

A. INDEPENDENT CLAIMS 1 AND 31 ARE ALLOWABLE BECAUSE SEMAAN TEACHES AWAY FROM ALLOCATING A NETWORK INTERFACE LOCATION AFTER RECEIVING SAID REQUEST TO JOIN SAID MEETING FROM SAID FIRST OF SAID PLURALITY OF ATTENDEES.

Independent claims 1 and 31 recites step of:

- “allocating network resources for said meeting *after* receiving said request to join said meeting from said first of said plurality of attendees, said network resources including at least one IP address and at least one port for a network interface connected to the network” (Claim 1) (emphasis added)
- “receive a first request to enter the meeting from a first of said plurality of meeting attendees after said first attendee has connected to said entry portal, allocating at least one IP address and at least one port linked to a network interface location for the meeting *after* receiving said first request” (Claim 31) (emphasis added)

It is noted that amended claims 1 and 31 have been amended to be similar in scope to previously presented claim 25 (now cancelled) by reciting that the network resources allocated after receiving a request to join the meeting include at least one IP address and at least one port for a network interface for connecting the attendees during the meeting. Put another way, claims 1 and 31 as amended recite allocating the basic meeting interface

location AFTER receiving a request to join the meeting – the interface location is not known beforehand.

In rejecting claim 25 as obvious over Semaan in view of Haims and Gorsuch, the Office Action as best understood alleges that Gorsuch discloses allocation of resources after a request to join is made, and Semaan discloses where the resources include an IP address and a port for connecting users. It is submitted that this combination cannot properly be relied on to establish a prima facie case of obviousness since Semaan teaches away from Gorsuch with respect to this recited element, and since such a combination would cause Semaan to fail its intended purpose.

The MPEP and case law make clear that an obviousness rejection may not rely on references that teach away from one another: “It is improper to combine references where the references teach away from their combination.” *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). MPEP 2141.01(a)2. As discussed extensively in the Appeal Brief, Semaan teaches **reserving** a network interface location in advance of a meeting. As indicated by the title of Semaan (“Multimedia Multipoint Telecommunications Reservation Systems”), it is entirely directed to methods for making **reservations** and **reserving** network resources, including a network interface (which is accepted to be an MCU only for the sake of argument) in advance of a meeting. For example; “It is a further object of the invention to provide a ... **reservation system** which will permit any multimedia user to **reserve** the resources of one or more MCU’s for a multi-media conference.” Col. 2, lines 48-52 (emphasis added). Semaan describes various steps performed to **reserve** MCU resources in advance of a meeting: “...the

reservation controller ... will make a determination as to whether the necessary MCU resources *will be available* for the ... time requested. If so, the reservation controller will confirm the *reservation...*” Col. 6, lines 24-28 (emphasis added).

Accordingly, Semaan teaches *reserving* particular MCU resources (which are alleged by the Office Action to include at least an IP address and port). It is therefore improper to combine it with Gorsuch which is alleged to teach the opposite – to dynamically allocate network resources *after* a meeting has been initiated. Even accepting arguendo that Gorsuch discloses this, it would teach away from Semaan which (as discussed at length in the Appeal Brief) is entirely directed to a reservation system that reserves resources in advance of a meeting.

Gorsuch teaches a technique for transmission of wireless signals across CDMA radio links where bandwidth is allocated dynamically within a session to a specific CDMA subscriber unit based upon data rate determinations. Abstract. The instantaneous bandwidth needs of each on-line subscriber unit are met by dynamically allocating multiple subchannels of the RF carrier on an as needed basis for each session. (col. 2, lines 37-39). In Gorsuch, subchannels are dynamically allocated during an *already established* communications sessions between the subscriber and the RF carrier. For sake of argument only, it is understood how this may be viewed as allocating some resources after receiving a request to join. The claims have been amended, however, to more clearly reflect particular invention embodiments that Gorsuch cannot be cited to reject.

The two references therefore have opposite teachings on the point, and the two therefore teach away from one another, and combining the two would therefore result in at least one failing its intended purpose. Because the subscriber and RF carrier in Gorsuch are already communicating with one another when the step of bandwidth allocation occurs, an interface location linking them has clearly *already been established*. Conversely, in the present claimed invention of amended claims 1 and 31, network resources including at least one IP address and at least one port for a network interface for connecting the users during the meeting are only allocated after receiving said request to join said meeting from said first of said plurality of attendees. Therefore, the combination of Gorsuch and Semaan cannot properly be relied on to establish a prima facie case of obviousness since Semaan teaches away from Gorsuch with respect to this recited element and since the combination would cause one or the other of the references to fail its intended purpose (e.g., Semaan could not achieve a “reservation system” if it allocates an IP address and a port after receiving the request to join)..

B. CLAIMS 11, 31 AND NEW CLAIM 40 ARE ALLOWABLE: SEMAAN FAILS TO DISCLOSE DETERMINING THE TOTAL REQUIRED BANDWIDTH FOR THE MEETING AND LIMITING SAID MEETING ATTENDEES TO ONLY THOSE HAVING SUFFICIENT BANDWIDTH TO PARTICIPATE.

Independent claims 31 and dependent claims 11 and 40 further recite the steps related to determining the total required bandwidth for the meeting and limiting said meeting attendees to only those having sufficient bandwidth to participate in said meeting. The Office Action cites Semaan col.6, lines 8-13 and 24-26 and col. 8, line 65 –

col. 9, line 28 to teach this feature. Semaan col. 6, lines 8-13 teaches that the reservation request will typically include a plurality of parameters such as starting time, the duration, the addresses of the users involved, and the resources necessary for the conference. Col. 6, lines 24-26 teaches that a determination is made as to whether the necessary MCU resources will be available for the request conference for the time requested. Col. 8, line 65 – col. 9, line 28 specifies that a conference quality parameter provided by the user specifies video and audio qualities (bandwidths) desired.

None of these sections teach or suggest steps related to determining the *total required bandwidth for the meeting and limiting said meeting attendees to only those having sufficient bandwidth to participate in said meeting*. As previously argued in the appeal brief and conceded in this Office Action on page 4, Semaan does not teach determining available bandwidth. Semaan also fails to teach or suggest limiting said meeting attendees to only those having sufficient bandwidth to participate in said meeting.

The above sections of Semaan relate to reserving network resources for a conference and a quality parameter that includes *desired* bandwidth (as opposed to determining total *required* bandwidth for the meeting as recited). Semaan teaches a different system where video quality may be constrained by the standard being used, as well as local resources of the conferees network capacity. Col. 9, lines 12-15. Rather than limiting the meeting attendees to only those having sufficient bandwidth, Semaan will allow any attendee to participate, even if the result is decreased video quality. Semaan therefore does not teach limiting said meeting attendees to only those having

sufficient bandwidth to participate, and in fact teaches away from this concept. Semaan further fails to teach the recited step of determining the total required bandwidth for the meeting. Claims 11, amended claim 31 and new claim 40 should therefore be allowed.

C. SEMAAN FAILS TO DISCLOSE DIRECTING USERS WITH INSUFFICIENT BANDWIDTH TO LINK TO A SUBSET OF THE PLURALITY OF DATA STREAMS AS RECITED BY CLAIM 12 AND NEW CLAIM 42.

Claims 12 and 42 further recite the step of “directing any attendees that do not have sufficient bandwidth available to link to a subset of said plurality of data streams being communicated during the meeting.” The Office Action cites col. 10, lines 37-32 of Semaan as disclosing this. No disclosure of anything close to the recited step is apparent in this (or any other) portion of Semaan. Careful review of the section of Semaan near col. 10, lines 37-32 indicates that it is related to determination of availability of MCU resources. Because the cited portion of Semaan (nor any other portion) discloses directing users with insufficient bandwidth to link to a subset of data streams as is recited, claim 12 is allowable. If this rejection is not withdrawn, clarification is required as to the citation to Semaan.

D. SEMAAN FAILS TO DISCLOSE THE RECITED STEPS OF CLAIMS 7 AND 37

Claim 7 stands rejected as anticipated over Semaan. It is noted that a similar limitation is also included in claim 37. In rejecting claim 7, the Office Action cites Semaan col. 8, line 65 – col. 9, line 28; col. 10, line 64 – col. 11, line 29; Figure 5 that only discloses “subconferencing” between two attendees present in a larger

conference: “if subconferencing is enabled, two or more participants to a conference will be able to initiate a ‘private’ conference while they are still members of the initial conference.” Col. 9, lines 6-9. Claim 7 has been amended to clarify that the first and second meetings cannot be sub-conferences of one another – all of the attendees at either of the first and second meetings are different from one another. This condition necessarily cannot be met by the “subconferencing” disclosed by Semaan.

Amended claim 37 also recites “said first and second meetings are different from one another.” The Office Action states on page 15 that “claims 31-37 are rejected on the same basis as claims 1-27 and 29-30 above.” However, the rejection of claim 7 appears subsequently on page 16. Clarification is requested.

E. HAIMS FAILS TO DISCLOSE OR SUGGEST AN EXECUTABLE MEETING INVITATION AS RECITED BY CLAIM 14

Claim 14 depends from claim 1 and is allowable for the same reasons as are that claim. The anticipation rejection of claim 14 over Haims should be overturned for another reason as well. Claim 14 requires a step of communicating a meeting invitation to at least one attendee over the network that is an *executable file that upon execution takes all steps necessary to connect to the virtual meeting*. Haims fails to disclose or suggest this required element.

The Office Action alleges that Haims discloses communicating an executable file invitation to attendees at paragraph 0094 to reject claim 14. This cited portion of Haims, however, makes no such disclosure. Instead of communicating an

executable file to users that when executed by the user takes all steps necessary to connect the user to the conference, Haims teaches a different approach that includes sending meeting invitations that include a link or URL by email. A URL is widely known not to be an executable file. Haims does not disclose or suggest the limitation of claim 14 of an executable invitation file that takes steps to connect to the meeting from the attendee, and the rejection of this claim must be withdrawn.

F. ALL DEPENDANT CLAIMS ARE ALSO ALLOWABLE

In addition to the reasons stated above, Applicant also traverses the rejection of all dependant claims since these claims are dependant from allowable independent claims. More specifically, the combination of the above references fails to teach or suggest the subject matter claims in new claims 38 – 41.

G. CONCLUSION

For the reasons explained above, it is submitted that the claims in their current form are allowable. The claims are allowable for at least the following reasons:

- Independent Claims 1 and 31 are Allowable Because Semaan Teaches away from Allocating a Network Interface Location including at least an IP address and a port after receiving said request to join said meeting from said first of said plurality of attendees, and any combination with Gorsuch (alleged to teach allocation of resources after receiving a request to join) is improper since the references teach away from one another and since any such combination would cause the references to fail their intended purpose.
- Semaan fails to disclose determining the total required bandwidth for the meeting and limiting said meeting attendees to only those having sufficient bandwidth to participate as recited by claims 11, 31 and 40
- Semaan fails to disclose directing users with insufficient bandwidth to link to a subset of the plurality of data streams as recited by claims 12 and 41.
- Semaan fails to disclose the recited steps of claims 7 and 37 related to determining total bandwidth required.
- Haims fails to disclose or suggest an executable meeting invitation as recited by claim 14
- All dependant claims are also allowable since these claims depend from allowing independent claims

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely.

The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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